

[FILED ELECTRONICALLY]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

S3 05 CR. 621 (RJS)

- against -

ALBERTO WILLIAM VILAR  
and GARY ALAN TANAKA,

Defendants.

NOTICE OF MOTION  
TO PRECLUDE EVIDENCE  
OFFERED UNDER  
RULE 404(b) AND/OR  
CLAIMED TO BE  
INEXTRICABLY INTERTWINED  
WITH THE CHARGED  
CONSPIRACY

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PLEASE TAKE NOTICE that, pursuant to the Court's scheduling order of May 5, 2008, upon the accompanying memorandum of law, and all prior papers and proceedings, Defendant ALBERTO WILLIAM VILAR will move this Court at a date and time to be fixed by the Court, at the United States District Courthouse located at 500 Pearl Street, New York, New York, for an order precluding the government from introducing evidence under Federal Rule of Evidence 404(b) or other evidence claimed to be inextricably intertwined with the charged conspiracy at trial; and granting such other and further relief as the Court may deem just and proper, including a hearing.

Oral argument on the motion is requested.

Dated: New York, New York  
July 31, 2008

/s/  
HERALD PRICE FAHRINGER (HP 3827)  
Fahringer & Dubno  
120 East 56th Street, Suite 1150  
New York, New York 10022  
(212) 319-5351

Attorney for Defendant  
Alberto William Vilar